

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 4  
by Senator Morrell

AMENDMENT NO. 1

On page 1, line 2, after "To" delete "enact R.S. 14:403(A)(4)" and insert "amend and reenact R.S. 14:403(A) and the introductory paragraph of Children's Code Article 603(15) and (d) and 610(A) and (E)(1) and (2), and to enact Children's Code Article 603(15)(j)," and after "relative to" insert "reporting"

AMENDMENT NO. 2

On page 1, line 3, after "child;" insert "to provide for definitions;"

AMENDMENT NO. 3

On page 1, delete lines 5 through 7 and insert the following:

"Section 1. R.S. 14:403(A) is hereby amended and reenacted to read as follows:  
§403. Abuse of children; reports; waiver of privilege  
A.(1)(a) Any person who, under Children's Code Article 609(A), is required to report the abuse or neglect ~~or sexual abuse~~ of a child and knowingly and willfully fails to so report shall be ~~guilty of a misdemeanor and upon conviction shall be~~ fined not more than five hundred dollars or imprisoned for not more than six months, or both.  
**(b) Any person who, under Children's Code Article 609(A), is required to report the sexual abuse of a child, or the abuse or neglect of a child which results in the serious bodily injury, neurological impairment, or death of the child, and the person knowingly and willfully fails to so report shall be fined not more than three thousand dollars or imprisoned, with or without hard labor, for not more than three years, or both. For purposes of this Subparagraph, "serious bodily injury" means injury involving protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or substantial risk of death.**  
(2) Any person, any employee of a local child protection unit of the Department of Children and Family Services, any employee of any local law enforcement agency, any employee or agent of any state department, or any school employee who knowingly and willfully violates the provisions of Chapter 5 of Title VI of the Children's Code, or who knowingly and willfully obstructs the procedures for receiving and investigating reports of child abuse or neglect or sexual abuse, or who discloses without authorization confidential information about or contained within such reports shall be ~~guilty of a misdemeanor and upon conviction shall be~~ fined not more than five hundred dollars or imprisoned for not more than six months, or both.  
(3) Any person who reports a child as abused or neglected or sexually abused to the department or to any law enforcement agency, knowing that such information is false, shall be ~~guilty of a misdemeanor and upon conviction shall be~~ fined not more than five hundred dollars or imprisoned for not more than six months, or both."

AMENDMENT NO. 4

On page 1, at the beginning of line 8, after "(4)" insert "(a)"

AMENDMENT NO. 5

On page 1, line 10, after "**law enforcement**" insert "**or to the Department of Children and Family Services as required by Children's Code Article 610,**"

AMENDMENT NO. 6

On page 1, between lines 12 and 13, insert the following:

**"(b) For purposes of this Paragraph, "sexual abuse" shall include but is not limited to acts which are prohibited by R.S. 14:41, 42, 42.1, 43, 43.1, 43.2, 43.3, 46.2, 46.3, 78, 78.1, 80, 81, 81.1, 81.2, 89 and 89.1.**

\* \* \*

Section 2. The introductory paragraph of Children's Code Article 603(15) and (d) and 610(A) and (E)(1) and (2) are hereby amended and reenacted and Children's Code Article 603(15)(j) is hereby enacted to read as follows:

Art. 603. Definitions

As used in this Title:

\* \* \*

(15) "Mandatory reporter" is any of the following individuals ~~performing their occupational duties:~~

\* \* \*

(d) "Teaching or child care provider" is any person who provides ~~or assists in the teaching,~~ training and supervision of a child, including any public or private teacher, teacher's aide, instructional aide, school principal, school staff member, ~~bus driver, coach, professor, technical or vocational instructor, technical or vocational school staff member, college or university administrator, college or university staff member,~~ social worker, probation officer, foster home parent, group home or other child care institutional staff member, personnel of residential home facilities, a licensed or unlicensed day care provider, or any individual who provides such services to a child in a voluntary or professional capacity.

\* \* \*

**(j) "Organizational or youth activity provider" is any person who provides organized activities for children, including administrators, employees, or volunteers of any day camp, summer camp, youth center, or youth recreation programs or any other organization that provides organized activities for children.**

\* \* \*

Art. 610. Reporting procedure

A. Reports of child abuse or neglect or that such was a contributing factor in a child's death, where the abuser is believed to be a parent or caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not, shall be made immediately to the ~~local child protection unit of the department~~ **through the designated state child protection reporting hotline telephone number**. Reports in which the abuse or neglect is believed to be perpetrated by someone other than a caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not, and the caretaker is not believed to have any responsibility for the abuse or neglect shall be made immediately to a local or state law enforcement agency. Dual reporting to both the ~~local child protection unit of the department~~ **through the designated state child protection reporting hotline telephone number** and the local or state law enforcement agency is permitted.

\* \* \*

E.(1) All reports made to any local or state law enforcement agency involving abuse or neglect in which the child's parent or caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not, is believed responsible shall be promptly communicated to the ~~local child protection unit of the department~~ **through the designated state child protection reporting hotline telephone number** in accordance with a written working agreement developed between the local law enforcement agency and ~~child protection unit~~ **the department**.

1           (2) ~~A local child protection unit~~ **The department** shall promptly  
2 communicate abuse or neglect cases not involving a parent, caretaker, or occupant  
3 of the household to the appropriate law enforcement agency in accordance with a  
4 written working agreement developed between the ~~local child protection unit~~  
5 **department** and law enforcement agency. The ~~local child protection unit~~  
6 **department** also shall report all cases of child death which involve a suspicion of  
7 abuse or neglect as a contributing factor in the child's death to the local and state law  
8 enforcement agencies, the office of the district attorney, and the coroner."

9    AMENDMENT NO. 7

10   On page 1, at the beginning of line 14, change "Section 2." to "Section 3."